

Barrington 91 7199 9991 7036 4594 4806
E. Providence 91 7199 9991 7036 4594 4813

STATE OF RHODE ISLAND
DEPARTMENT OF BUSINESS REGULATION
CONTRACTORS' REGISTRATION AND LICENSING BOARD
560 JEFFERSON BOULEVARD, SUITE 200
WARWICK, R.I. 02886

In the Matter of:

Joseph Grilo d/b/a Grilo Masonry
d/b/a A Touch of Class,
Respondent.

:
:
:
:
:
:
:

Complaint No. 24-252

DECISION

I. INTRODUCTION

This matter arose pursuant to a Notice of Hearing (“Notice”) issued on December 19, 2025 by the Department of Business Regulation Contractors’ Registration and Licensing Board (“Department” or “Board”) to Joseph Grilo d/b/a Grilo Masonry d/b/a A Touch of Class (“Respondent”). The Respondent had been registered as a contractor pursuant to R.I. Gen. Laws § 5-61-1 *et seq.*, but his registration has been suspended.¹ However, the Board still has jurisdiction in disciplinary proceedings over the Respondent pursuant to R.I. Gen. Laws § 5-65-10(a)(10).² A hearing was scheduled for February 5, 2025 at which time the Respondent did not appear. Pursuant to R.I. Gen. Law § 5-65-6 and § 1.15.1 of 440-RICR-10-00-1 *General Rules and Regulations for Applications, Registration, Licensing, Claims, Violations, and Administrative Hearings* (“Regulation”), service may be made by first-class mail or certified mail and service is complete upon mailing when sent to the last known address of the party. The Notice was sent to the

¹ Department’s Exhibit Two (2) (Final Order and Suspension of Registration effective February 21, 2022).

² R.I. Gen. Laws § 5-65-10(a)(10) provides in part, “[t]he board may take disciplinary action against a contractor who performed work, or arranged to perform work, while the registration was suspended, invalidated, or revoked.”

Respondent's last known address by first class and certified mail and by email.³ Since the Respondent was adequately noticed of hearing, a hearing was held before the undersigned on February 5, 2025.⁴ Additionally, § 1.17 of the Regulation⁵ provides that a default judgment may be entered based on pleadings and/or evidence submitted at hearing by a non-defaulting party. The Board was represented by counsel who rested on the record.⁶

II. JURISDICTION

The administrative hearing was held pursuant to R.I. Gen. Laws § 42-14-1 *et seq.*, R.I. Gen. Laws § 5-65-1 *et seq.*, R.I. Gen. Laws § 42-35-1 *et seq.*, and 440-RICR-10-00-1 *General Rules and Regulations for Applications, Registration, Licensing, Claims, Violations, and Administrative Hearings*.

III. ISSUE

Whether the Respondent violated R.I. Gen. Laws § 5-65-10.

IV. MATERIAL FACTS

Based on the pleadings and exhibits entered at hearing, it is undisputed as follows:

³ See Department's Exhibits One (1) (initial Notice sent by first class mail, certified mail, and by email); and 13 (Notice certified mail returned as "unclaimed"). A pre-hearing conference was held on January 14, 2025 at which time the Respondent did not appear. A letter dated January 16, 2025 scheduling the hearing for February 5, 2025 was forwarded to the Respondent by first class and certified mail. Department's Exhibit 12 (January 16, 2025 email and letter of notice of February 5, 2025 hearing). By email dated February 11, 2025, the Department confirmed the January 16, 2025 first class and certified mail letter were returned to the Department, but the initial first class Notice was notice was not. The January 16, 2025 letter was also forwarded to the Respondent's email address on record with the Department.

⁴ The undersigned hearing officer heard this matter pursuant to R.I. Gen. Laws § 5-65-12.

⁵ Section 1.17 of the Regulation provides as follows:

If any Party to a proceeding fails to answer a complaint, plead, appear at a prehearing conference or hearing or otherwise fails to prosecute or defend an action as provided by these Rules, the Hearing Officer or Board may enter a default judgment against the defaulting Party or take such action based on the pleadings and/or other evidence submitted by the non-defaulting Party as the forum deems appropriate. Challenge to such an order shall be made as a motion for reconsideration per § 1.15.6 of this Part.

⁶ The record was left open to February 11, 2025 for the Department to confirm the delivery method of the January 16, 2025 letter notifying the Respondent of the February 5, 2025 hearing.

The Respondent was registered as a contractor in March, 2016. His registration was suspended on February 21, 2022. Department's Exhibit Two (2). The Respondent operates a business called "A Touch of Class." Department's Exhibit One (1) (Notice).

On July 30, 2024, the Board received a complaint from a Barrington homeowner ("Complainant") regarding the Respondent. On or about April 25, 2023, the Respondent entered in an oral contract with the Complainant to demolish and rebuild her chimney. The Complainant paid the Respondent \$6,000 for the work and materials. The Respondent demolished the chimney and worked on it sporadically but never completed the work. The Respondent never received a building permit for the chimney work from Barrington ("Town"). The Town's building inspector inspected the Respondent's chimney work and found it to be noncompliant with the building code. The Town ordered the chimney be demolished and rebuilt, and the Complainant had to spend \$19,800 for that work. The Complainant filed a complaint about the Respondent with the Attorney General's office which mediated an agreement for the Respondent to repay the Complainant the \$6,000 that she had paid him, but he only paid the Complainant \$800 by the last repayment due date of April 29, 2024. The Respondent was not registered as a contractor at the time of said oral contract, and the work to be performed required registration as a contractor. Department's Exhibits One (1) (Notice); Three (3) (complaint) Four (4) and Five (5) (two (2) \$3,000 checks from Complainant to Respondent for a total of \$6,000); Six (6) (Respondent's work invoice showing the \$6,000 received so far from Respondent); Seven (7) (chimney's building code violations including ash pit full of concrete, ash dump cemented shut, draft door frozen shut due to concrete); Eight (8) (invoice for work performed to replace chimney); Nine (9) (agreement by Respondent to repay the Complainant the \$6,000 with the last payment by April 29, 2024); and Ten (10) (attorney general's office letter that Respondent's only payment was of \$800 under the agreement).

V. DISCUSSION

A. **Legislative Intent**

The Rhode Island Supreme Court has consistently held that it effectuates legislative intent by examining a statute in its entirety and giving words their plain and ordinary meaning. *In re Falstaff Brewing Corp.*, 637 A.2d 1047 (R.I. 1994). If a statute is clear and unambiguous, “the Court must interpret the statute literally and must give the words of the statute their plain and ordinary meanings.” *Oliveira v. Lombardi*, 794 A.2d 453, 457 (R.I. 2002) (citation omitted). The Supreme Court has also established that it will not interpret legislative enactments in a manner that renders them nugatory or that would produce an unreasonable result. See *Defenders of Animals v. DEM*, 553 A.2d 541 (R.I. 1989) (citation omitted). In cases where a statute may contain ambiguous language, the Rhode Island Supreme Court has consistently held that the legislative intent must be considered. *Providence Journal Co. v. Rodgers*, 711 A.2d 1131, 1134 (R.I. 1998).

B. **Standard of Review for an Administrative Hearing**

It is well settled that in formal or informal adjudications modeled on the Federal Administrative Procedures Act, the initial burdens of production and persuasion rest with the moving party. 2 Richard J. Pierce, *Administrative Law Treatise* § 10.7 (2002). Unless otherwise specified, a preponderance of the evidence is generally required to prevail. *Id.* See *Lyons v. R.I. Pub. Employees Council 94*, 559 A.2d 130 (R.I. 1989) (preponderance standard is the “normal” standard in civil cases). This means that for each element to be proven, the fact-finder must believe that the facts asserted by the proponent are more probably true than false. *Id.* When there is no direct evidence on a particular issue, a fair preponderance of the evidence may be supported by circumstantial evidence. *Narragansett Electric Co. v. Carbone*, 898 A.2d 87 (R.I. 2006).

C. Relevant Statutes

R.I. Gen. Laws § 5-65-10 provides in part as follows:

(a) The board or office may revoke, suspend, or refuse to issue, reinstate, or reissue a certificate of registration if the board or office determines, after notice and opportunity for a hearing:

(1) That the registrant or applicant has violated § 5-65-3 or any other provision of this chapter or the regulations promulgated thereunder.

(9) That a registrant has engaged in repeated acts in violation of this chapter and the board's rules and regulations inclusive of substandard workmanship and any misuse of registration.

(10) The board may take disciplinary action against a contractor who performed work, or arranged to perform work, while the registration was suspended, invalidated, or revoked. ***

(12) That the registrant performed negligent and/or improper work.

(b) Subject to providing notice and an opportunity for a hearing, in addition to all other remedies, when the board or office has reason to believe that a person has engaged in, or is engaging in, any act, practice, or transaction that violates the provisions of this chapter or the regulations promulgated thereunder, the board or office may order such person to cease and desist from the violation or request the attorney general to apply to the court for an injunction restraining the person from violating the provisions of this chapter. ***

(c) Subject to providing notice and an opportunity for a hearing:

(1) For each first violation of a particular section of this chapter or any rule or regulation promulgated by the board, a fine not to exceed five thousand dollars (\$5,000) may be imposed. Where corrective work is completed and/or if restitution is made to the person for whom the work was to be performed, the fine assessed may be reduced as determined by the board. Fines for violations may be imposed against registered contractors, as well as those persons required to be registered, by the board.

(2) For each subsequent violation of a particular subsection of this chapter or of a rule or regulation promulgated by the board, a fine not to exceed ten thousand dollars (\$10,000) may be imposed. ***

R.I. Gen. Laws § 5-65-3 provides in part as follows:

*** Duties of contractors ***

(a) A person shall not undertake, offer to undertake, or submit a bid to do work as a contractor on a structure unless that person has a current, valid certificate of registration for all construction work issued by the board. ***

D. Whether the Respondent violated R.I. Gen. Laws § 5-65-1 et seq.

It was undisputed the Respondent did not have a valid registration when he entered into the contract on or about April 25, 2023 with the Complainant to perform work for which registration as a contractor was required. It was undisputed the Respondent's work on the chimney was negligent and improper in that the ash pit was full of concrete, the ash dump was cemented shut, and the draft door was frozen shut due to concrete, and the chimney failed to comply with the building code. Therefore, the Respondent violated R.I. Gen. Laws § 5-65-3(a) (undertaking work without a valid registration) and violated R.I. Gen. Laws § 5-65-10(a)(9) (engaged in repeated acts in violation of this chapter) and (12) (negligent and improper work).

E. Sanctions

Violation of R.I. Gen. Laws § 5-65-3(a) is a violation of R.I. Gen. Laws § 5-65-10(a)(1). The Board requested that a cease and desist order be entered against the Respondent. R.I. Gen. Laws § 5-65-10(c) provides for penalties up to \$5,000 for first offences and penalties up to \$10,000 for subsequent offences. The Board requested that an administrative penalty of \$10,000 be imposed on the Respondent for his statutory violations. The Respondent did not appear and did not provide any reason not to impose penalties.

As detailed in the Notice, the Respondent has committed numerous prior violations while working as a contractor. In 2018 (C-9478, V-5693), he paid a \$1,000 administrative penalty for negligent work and breach of contract, and his registration was revoked until compliance with all Board orders. A district court case arose out of that matter (C-9478) with the judgment being entered against the Respondent to repay that complainant. In 2020, the Respondent pled *nolo contendere* to failing to comply with a final order of the Board for which he received a suspended sentence and an order to pay restitution. For a 2020 complaint (C-10017) about negligent work

and breach of contract, the Respondent paid that complainant \$1,800 to resolve the complaint. For a 2018 matter (C-9382) alleging negligent work, the Respondent was ordered to pay an administrative penalty of \$2,100 which he did not pay so that was sent to the Attorney General for prosecution. Another 2020 matter (C-10064) was resolved by the Respondent paying that complainant \$3,000. In 2021, a matter (C10588, V-6240, V-6193) regarding breach of contract, failure to secure permits, and being unregistered resulted in administrative penalties of \$5,310 and \$6,430 being assessed. Department's Exhibit One (1) (Notice).

The Respondent's history of noncompliance with the registration statute includes negligent work, breach of contract, failure to secure permits, acting without a registration, and failure to comply with prior Board orders. This matter is not the Respondent's first violation. His actions in this matter caused the Complainant to have to expend further funds to fix the chimney which the Respondent had not replaced to code. The Respondent has committed prior violations, and his continued noncompliance justifies the imposition of higher penalties. Pursuant to R.I. Gen. Laws § 5-65-10(c), an administrative penalty of \$10,000 is imposed for Respondent's violations of R.I. Gen. Laws § 5-65-3(a) and of R.I. Gen. Laws § 5-65-10(a)(9); and (12).

Pursuant to R.I. Gen. Laws § 5-65-10(b), the Respondent is ordered to cease and desist from violating R.I. Gen. Laws § 5-65-1 *et seq.* so that he shall not engage in work that requires registration under said statute.

VI. FINDINGS OF FACT

Based on the foregoing, the undersigned makes the following findings of fact:

1. The Notice was issued on December 19, 2024 by the Board to the Respondent.

2. A hearing was scheduled for February 5, 2025 at which time the Respondent did not appear. As the Respondent was adequately notified, the hearing was held with the Board resting on the record.

3. The Respondent was not registered as a contractor at the time of the oral contract with the Complainant and the contract required the performance of work that required registration as a contractor.

4. The Respondent's work on the chimney was negligent and improper.

5. The Respondent has previously committed series of violations including negligent work, breach of contract, failure to secure permits, unregistered work, and failing to pay administrative penalties and comply with Board orders.

6. Pursuant to § 1.17 of the Regulation, the Respondent is declared to be in default for failing to appear at the hearing.

7. The facts contained in Sections I, IV, and V are incorporated by reference herein.

VII. CONCLUSIONS OF LAW

Pursuant to R.I. Gen. Laws § 5-65-1 *et seq.*, the Respondent shall be enjoined from obtaining and/or holding a contractor registration and/or engaging in any work that requires registration as a contractor pursuant to R.I. Gen. Laws § 5-65-1 *et seq.* both individually and through any business activity so that he shall not act as a manager or become an owner or part owner of any company that engages in contracting.

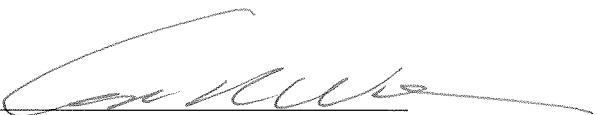
Pursuant to R.I. Gen. Laws § 5-65-10(a)(c), a total administrative penalty of \$10,000 is imposed on the Respondent for his violations of R.I. Gen. Laws § 5-65-3(a) R.I. Gen. Laws § 5-65-10(a)(9) and (12).

Further, the Respondent cannot seek reinstatement or a lifting of the suspension of his registration or file a new application for registration without complying with this decision and all other outstanding matters (e.g. Board, court, Attorney General etc.) related to his work as a contractor. The choice of whether to grant such an application is within the discretion of the Department.

The administrative penalty is due 20 days from the execution of this decision.⁷

Issued by R.I. Contractors' Registration and Licensing Board.

Entered: February 18, 2025


Catherine R. Warren
Hearing Officer

NOTICE OF APPELLATE RIGHTS

Pursuant to R.I. Gen. Laws § 5-65-20 and § 1.13.2 of the Regulation, this decision may be appealed to the full Board by requesting an appeal in writing to the Contractors' Registration and Licensing Board within twenty (20) days of the date of mailing or issuance of this decision.

Any appeal shall give the specific reasons why a party believes that the findings of the hearing officer are incorrect, based on testimony or evidence received at the hearing. No new testimony or evidence will be accepted. The Board does not rehear any issues but can only accept argument as to why a wrong decision may have been reached in this case. If an appeal is filed, the parties will be notified of the date, time, and location of the Board's meeting. Either party may appear before the Board to give oral argument. Failure of either party to appear before the Board may result in an adverse decision against the party. If no appeal is filed, payment of the administrative penalties is due within 20 days as stated above.

⁷ Payment should be made to Contractors' Registration and Licensing Board at 560 Jefferson Boulevard, Warwick, R.I. 02886.

CERTIFICATION

I hereby certify on this 18th day of February, 2025 that a copy of the within Decision and Notice of Appellate Rights were sent by first class mail, postage prepaid and certified mail, return receipt requested to:

Mr. Joseph Grilo
65 Bay Spring Avenue
Barrington, R.I. 02806

Mr. Joseph Grilo
16 Oakwood Road
East Providence, R.I. 02913

and by electronic delivery to:

joe6987ri@gmail.com (Respondent)
James Cambio, Building Code Commissioner (james.cambio@dbr.ri.gov)
Donna Costantino, Associate Director (donna.constantino@dbr.ri.gov)
Matthew Lambert, Principal State Building Code Officer (matthew.lambert@dbr.ri.gov)
Christina Santos, Administrator Management (christina.santos@dbr.ri.gov)
Megan Mihara, Principal Program Manager (megan.mihara@dbr.ri.gov)
Contractors; Registration and Licensing Board
560 Jefferson Boulevard, Suite 200
Warwick, R.I. 02886

Sara Tindall-Woodman, Esquire (sara.k.tindallwoodman@dbr.ri.gov)
Pamela Toro, Esquire (pamela.toro@dbr.ri.gov)
Department of Business Regulation
Pastore Complex
1511 Pontiac Avenue
Cranston, R.I. 02920



Theresa L. Kaplan